

1 JEFFREY BOSSERT CLARK  
2 Acting Assistant Attorney General  
3 ALEXANDER K. HAAS  
4 Branch Director  
5 DIANE KELLEHER  
6 BRAD P. ROSENBERG  
7 Assistant Branch Directors  
8 M. ANDREW ZEE  
9 ALEXANDER V. SVERDLOV  
10 STEPHEN EHRLICH  
11 Trial Attorneys  
12 U.S. Department of Justice  
13 Civil Division - Federal Programs Branch  
14 1100 L Street, NW  
15 Washington, D.C. 20005  
16 Telephone: (202) 305-0550

### Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

## NATIONAL URBAN LEAGUE, *et al.*,

Case No. 5:20-cv-05799-LHK

Plaintiff,

## **TWELFTH DECLARATION OF JAMES T. CHRISTY**

V.

WILBUR L. ROSS, JR., *et al.*,

## Defendants.

DECLARATION OF JAMES T. CHRISTY  
Case No. 5:20-cv-05799-LHK

1 I, James T. Christy, make the following Declaration pursuant to 28 U.S.C. § 1746, and state  
2 that under penalty of perjury the following is true and correct to the best of my knowledge and  
3 belief:

4 1. This is my twelfth declaration in this lawsuit. I am making this declaration in response  
5 to Court Order ECF No. 291.

6 **ECF No. 291 Investigation**

7 2. That order compels Defendants' response to two email submissions: one from an  
8 Enumerator in Oklahoma and one from a Census Field Supervisor in Alaska.  
9 3. In the first email from the enumerator in Oklahoma, there is no apparent violation of  
10 the Preliminary Injunction order. The enumerator works in a location that is 99.09%  
11 complete with the Nonresponse Followup (NRFU) production workload and in the  
12 Closeout Phase under the COVID 19 Plan. (CFS Areas are eligible for the Closeout  
13 Phase when 90% of the NRFU production workload has been completed.) The actions  
14 described in the text messages received from the Census Field Supervisor (CFS) are  
15 consistent with the guidance in place for areas in Closeout in the COVID 19 Plan.  
16 Specifically, Chapter 8, Phase 2 & Closeout of the D-1220A, Nonresponse Followup  
17 Census Field Manager Job Aid (February 2020) explains the procedures for areas in the  
18 Closeout Phase. It states "*Outstanding work will consist of some work in areas that  
have fallen behind as well as cases in supervisory review, which generally means more  
challenging cases to enumerate. It is wise to keep the best staff on board to tackle these  
areas. Best staff refers to employees with high productivity and ample work  
availability. This can be determined by looking at reports and/or speaking to CFSs—  
they should know the Enumerators on their team that are productive and available.*"

24 4. In the second email from a Census Field Supervisor in Alaska, there is also no apparent  
25 violation of the Preliminary Injunction order. The Census Field Supervisor worked on  
26 the Group Quarters operation. This operation was conducted on the COVID 19 Plan  
27 schedule. In-person interviewing began on July 1. The final activities conducted on  
28 this program were completed on September 24 during the Service-Based Enumeration

1 operation. This timeline is referenced on the Census Bureau's website at  
2 <https://2020census.gov/en/news-events/operational-adjustments-covid-19.html>. This  
3 operation is finished and all cases have been resolved. Further, the reference to  
4 shipping devices back to the Area Census Office is a request issued to CFSs who still  
5 possessed extra devices. We issued a few spare devices to each CFS in the event a  
6 device was broken, became nonfunctional, or more trainees were assigned to train than  
7 expected. The request from the Area Census Office was to mail these extra devices  
8 back that were not yet registered or no longer in use. There has been no request to  
9 return devices currently in use for ongoing enumeration activities such as NRFU.

10 **Effect of Responding to Enumerator Emails per the Court's Orders**

11 5. I have engaged substantial resources, including staff time from numerous areas, to  
12 research issues raised by communications sent to the Court in order to provide  
13 researched and thorough responses to the Court's orders. I believe it is important to  
14 provide accurate and well-considered responses to these concerns, which is what I have  
15 done. According to my best estimates, we have devoted over 8 total staff hours in  
16 response to this order from the Court, including verifying procedures, pulling  
17 schedules, reconciling inconsistent information, interviewing staff throughout the  
18 Nation and reviewing documentation.

19 6. Attending to these matters has detracted significantly from my duties as the Assistant  
20 Director for Field Operations at the U.S. Census Bureau, and has impaired my ability to  
21 monitor key operations such as our data quality programs and efforts to ensure fiscal  
22 and administrative compliance. These are critical tasks for this phase of the Census.

23  
24 I have read the foregoing and it is all true and correct.

25 DATED this 5th day of October, 2020

26  
27  
28 James T. Christy

1 Assistant Director for Field Operations

2 United States Bureau of the Census

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28